



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/667,110

09/17/2003

Christopher R. Gentle

4366-155

8515

48500

7590

06/28/2011

SHERIDAN ROSS P.C.

1560 BROADWAY, SUITE 1200

DENVER, CO 80202

EXAMINER

TRAN, TUYETLIEN T

ART UNIT

PAPER NUMBER

2179

NOTIFICATION DATE

DELIVERY MODE

06/28/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dswartz@sheridanross.com

cjacquet@sheridanross.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* CHRISTOPHER R. GENTLE

---

Appeal 2009-008554  
Application 10/667,110  
Technology Center 2100

---

Before HOWARD B. BLANKENSHIP, JAY P. LUCAS,  
and THU A. DANG, *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

DECISION ON APPEAL

## I. STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from a Final Rejection of claims 1-7, 9-23, and 25-35. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

### A. INVENTION

Appellant's invention relates to a graphical user interface and method including a "look-ahead feature" that enables a user of an open application to preview the selection of a selectable item, such as a menu item or icon, by placing the cursor over the item to activate a preview window display associated with the item, wherein the preview window displays a depiction of a submenu, window, dialogue or other consequence of actually selecting the particular item (Spec.7:18-8:3).

### B. ILLUSTRATIVE CLAIM

Claim 1 is exemplary:

1. A method for providing a visual representation of the consequences of taking an action, comprising:

first moving a cursor in response to input from a user;

first detecting a position of said cursor within an application window; and

in response to said position of said cursor corresponding to a first selectable item within said application window, displaying a depiction of a consequence of actually selecting said first selectable item, wherein said first selectable item is not a representation of a file, wherein said displaying a depiction of a consequence of actually selecting said first

selectable item includes displaying a preview of an actual consequence of selecting said first selectable item, wherein said actual consequence of actually selecting said first selectable item includes an operation that is performed on a file that is open in a computer program presenting said first selectable item, and wherein said displaying a depiction is performed in the absence of an actual selection of said first selectable item.

### C. REJECTION

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Clark	US 5,995,101	Nov. 30, 1999
Krause	US 6,160,554	Dec. 12, 2000
Sommerer	US 2004/0205514 A1	Oct. 14, 2004 (filed on Jun. 28, 2002)

Claims 1-7, 9-15, 17-23, and 25-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark in view of Sommerer.

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark in view of Sommerer and Krause.

### II. ISSUE

The dispositive issue is whether the Examiner has erred in determining that the combination of Clark and Sommerer teaches or suggests “displaying a preview of an actual consequence of selecting said first selectable item, wherein said actual consequence of actually selecting said first selectable item includes an operation that is performed on a file that is open in a computer program” (claim 1). In particular, the issue turns on whether the combined teachings show or suggest that the feature of displaying a preview window showing a depiction of an actual consequence

of selecting a selectable item *occurs during the use of a computer program when a file is open.*

### III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

#### *Clark*

1. Clark is directed to a graphical user interface having a preview feature that displays multilevel tool tips when the cursor is placed over a selectable item, such as an icon 54 (Fig. 2; col. 2, ll. 30-40). At first, a conventional (textual) tip 50 is displayed (*id.*). When the cursor remains over the selectable item for an extended time, an extended tool tip 60 appears which provides a more detailed textual description, replacing the original tip 50 (Fig. 2; col. 2, ll. 35-50). If the cursor still remains at the selectable item for another extended predetermined time, than a third-level tip 62 will replace the second-level tip 60 (Fig. 3; col. 2, ll. 50-60). The third-level tip 62 may include an even more detailed textual explanation of the icon's function, a graphical image 64 or a multimedia clip (e.g., an audio/visual clip) demonstrating the icon's function in detail, or a combination of these (*id.*). The program may include as many additional, higher-level tips as needed to fully demonstrate the program function associated with the icon 54 (col. 2, ll. 56-63).

2. An Adobe web page authoring software PageMill™ may include this multi-level tool tip, wherein, when the user places the cursor over the graphical user interface, a tool tip appears explaining that the user

may enter a title for a web page under creation within a certain text box (col. 3, l. 63-col. 4, l.1).

*Sommerer*

3. Sommerer is directed to a hyperlink preview utility that displays a preview of a target resource page associated with a linking control, such as a hyperlink or visit node, when a user places the cursor over a hyperlink (§ [0008]). The preview is displayed adjacent to the linking control and shows displaying layout and content information (*id.*) The resource page represented by the preview may be based on a live retrieval or an archived retrieval of a previously viewed resource page (*id.*).

IV. ANALYSIS

*35 U.S.C. § 103(a)*

*Claims 1-7, 9-15, 17-23, and 25-35*

Appellant provides separate but similar arguments with respect to independent claims 1, 17, 31, and 34, wherein each claim includes a claim limitation that is similar in scope to the claim limitation at issue, *supra*. Appellant does not provide separate arguments with respect to claims 2-7, 9-15, 18-23, 25-30, 32, 33, and 35 (App. Br. 10-13). Accordingly, we select claim 1 as being representative of the claims. *See* 37 C.F.R. § 41.37(c)(1)(vii).

Appellant contends that the “Clark reference provides fixed descriptions or demonstrations of an icon's function, without operating on an application that is open in the program presenting the icon, and without providing a preview of the actual consequence of selecting the first selectable item” (App. Br. 10-11). Appellant similarly argues that the

“Sommerer reference discusses opening a target resource page associated with a linking control, without operating on an application that is open in the program presenting the icon” (App. Br. 11). Appellant asserts that “such a combination does not provide a disclosure of previewing the results of an operation performed on a file” (App. Br. 9). Appellant asserts further that “the tool tip of Clark is not in fact for performing an operation on a file; ... [rather] the tool tip of Clark simply discusses the effect that making a selection would have in general” (*id.*).

However, the Examiner finds that Clark and Sommerer teaches the limitation of “displaying a preview of a functionality of a selectable item; wherein the functionality of the selectable item includes an operation that is performed on a file that is open in a computer program presenting the selectable item” (Ans. 15). In particular, the Examiner finds that “Clark expressly suggests that the multi-level tool tip can include detail textual explanation of the icon's function, a graphical image or a multimedia clip demonstrating the icon's function in detail, or a combination of these; and may include as many additional, higher-level tips as needed to fully demonstrate the program function associated with a function icon in a tool bar” (Ans. 13). The Examiner notes that “the features upon which [Appellant relies] (i.e. previewing the results of an operation ...; previewing the effect of an operation performed on an open file) are not recited in the rejected claim(s)” (Ans. 15). The Examiner finds further “the selectable items in the toolbar disclosed in Clark include the functionalities that are performed on a file that is open in a computer program presenting the selectable items ...; wherein the operations of the tool bar items are those

that are performed on a file that currently open in the application window presenting the tool bar” (Ans. 17).

Though Appellant contends that “such a combination does not provide a disclosure of previewing the results of an operation performed on a file” and that “the tool tip of Clark is not in fact for performing an operation on a file” (App. Br. 9), such arguments are not commensurate in scope with the language of claim 1. That is, claim 1 does not recite any such “disclosure of previewing the results of an operation performed on a file” or “for performing an operation on a file” as Appellant contends (*id.*).

We give the claims their broadest reasonable interpretation consistent with the Specification. See *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997). However, we will not read limitations from the Specification into the claims. *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993).

Claim 1 does not place any limitation on what “an operation that is performed on a file that is open in a computer program” means, includes, or represents other than the actual consequence of selecting a selectable item occurs when a file is open within a computer program. Thus, we give “wherein said actual consequence of actually selecting said first selectable item includes an operation that is performed on a file that is open in a computer program” its broadest reasonable interpretation as the actual consequence of any operation performed when a file is opened within a computer program, as consistent with the Specification and as specifically defined in claim 1.

Clark is directed to a graphical user interface, having a preview feature that displays multilevel tool tips when the cursor is placed over a selectable item, such as an icon (FF 1). We find Clark’s preview feature to



be a method for providing a visual representation of the consequences of taking an action. Particularly, when the cursor remains over the selectable item for predetermined periods of time, higher level tool tips appear, replacing the original tip and providing more detailed textual description of the icon's function, including a graphical image or a multimedia clip (e.g., an audio/visual clip) *demonstrating the icon's function in detail* (FF 1). Since the program may include as many additional, higher-level tips as needed to fully demonstrate the program function associated with the icon (FF 1), we find that the preview feature of displaying higher level tool tips demonstrating the function associated with the icon to be *previewing* information related to *the actual consequence of selecting the selectable item*. More particularly, as noted by the Examiner (Ans. 17), Clark discloses an example of a web-page authoring software application that illustrates a tool tip which indicates that the user may enter the title for the web-page in a specific text box when the user places the cursor over a region of the graphical user interface *during the creation of a web-page*, (FF 2). We find that this example illustrates an embodiment where the user is clearly *working on an open file that is creating a new web page*, wherein the multi-level tool tip is displayed (FF 2). Accordingly, we agree with the Examiner's finding that "the selectable items in the toolbar disclosed in Clark include the functionalities that are performed on a file that is open in a computer program presenting the selectable items" (Ans. 17).

Sommerer is directed to a hyperlink preview utility that displays a preview of the target resource page associated with a hyperlink when the user's cursor is placed over a hyperlink (FF 3). The preview is displayed having display layout and content information based upon a live retrieval or

an archived retrieval of a previously viewed resource page (*id.*). We find that Sommerer displays the actual consequence of selecting a selectable item, such as a hyperlink.

In view of our claim construction above, we find that the combination of Clark and Sommerer at least suggests providing “wherein said actual consequence of actually selecting said first selectable item includes an operation that is performed on a file that is open in a computer program” as specifically required by claim 1.

Accordingly, we find that Appellant has not shown that the Examiner erred in rejecting claims 1, 17, 31, and 34 and claims 2-7, 9-15, 18-23, 25-30, 32, 33, and 35 respectively depending from claims 1, 17, 31, and 34 under 35 U.S.C. § 103(a) over Clark in view of Sommerer.

*35 U.S.C. § 103(a)*

*Claims 16*

Appellant similarly argues that “Krause ... does not discuss providing a preview of an actual consequence of selecting a first selectable item where the actual consequence of actually selecting the first selectable item includes an operation that is performed on a file that is open in a computer program presenting that item” (App. Br. 13). As discussed above with respect to claim 1, we find no deficiencies in the Examiner’s finding that the combination of Clark and Sommerer suggests such features.

Thus, we conclude that the Examiner did not err in rejecting claim 16 depending respectively from claim 1 under 35 U.S.C. § 103(a) over Clark in view of Sommerer and Krause.

V. CONCLUSION AND DECISION

The Examiner's rejection of claims 1-7, 9-23, and 25-35 under 35 U.S.C. § 103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

peb